

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS W. SOMERVILLE,

Plaintiff,

V.

WARDEN MARTINEZ, *et al.*

Defendants.

Case No. C06-5363 RJB/KLS

ORDER

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Plaintiff's motion for appointment of counsel. (Dkt. # 6). The Court, having reviewed Plaintiff's motion for appointment of counsel does hereby find and ORDER:

(1) There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

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1 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it
2 appears that this case does not involve exceptional circumstances which warrant appointment of
3 counsel. Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 6) is **DENIED**.

4 (2) The Clerk is directed to send copies of this Order to Plaintiff.

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6 DATED this 26th day of September, 2006.

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Karen L. Strombom
United States Magistrate Judge

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